

outstanding issues relating to marine scientific research on the continental shelf.

Canada also participated in the work of the various committees of the Inter-Governmental Maritime Consultative Organization (IMCO), notably the Marine Environment Protection Committee, the Maritime Safety Committee and the Legal Committee. With respect to the latter, a major portion of its work was directed to developing further draft articles for an eventual Convention on Liability and Compensation for Pollution Damage from the Carriage of Noxious and Hazardous Substances by Sea. In addition, Canada also participated actively in the third and fourth sessions of the United Nations Environment Program (UNEP) Working Group of Experts on Environmental Law, which is conducting a study into the legal aspects of offshore mining and drilling carried out within the limits of national jurisdiction.

Canada was also active in 1979 in the field of air pollution control. In November 1979, Canada signed the Convention on Long-Range Transboundary Air Pollution which had been prepared by the United Nations Economic Commission for Europe, a 35-nation regional grouping which includes the countries of Eastern and Western Europe and North America. The Convention is the first international agreement dealing with acidic precipitation. Parties to the Convention undertake, *inter alia*, to endeavour to develop policies and strategies to limit and as far as possible reduce and prevent air pollution. Bilaterally, Canada and the United States announced, in July 1979, the intention of both governments to enter into formal discussions on a co-operative agreement on air quality, and listed a number of principles to be addressed in elaborating such an agreement.

There were a number of additional developments with respect to Canada/United States environmental relations. In January 1979, Canada signed a Protocol amending the 1916 Convention for the Protection of Migratory Birds in Canada and the United States. Canadian officials also began to examine the elements that should be included in an agreement for the protection of migratory caribou in the Alaska-Yukon region with a view to entering into discussions with the United States Government which could lead to the conclusion of an agreement. Canadian officials reviewed U.S. proposals to begin oil exploration activities in the Georges Bank area. Legal aspects of joint co-operation in weather modification research were also examined.

In addition, Canada participated in the elaboration of draft provisions on the international legal aspects of weather modification at a joint WMO-UNEP meeting in Geneva in September. These draft provisions will be considered by the Eighth UNEP Governing Council scheduled to meet in Nairobi in April 1980.

## Outer space law

The United Nations Committee on the Peaceful Uses of Outer Space and its Scientific and Technical and Legal Sub-committees made progress on a number of issues in 1979.

The most significant of these, from the Canadian point of view, was the use of nuclear power sources in outer space. After the return to earth of the Soviet satellite Cosmos 954 (see below), and as the result of a Canadian initiative in 1978, discussion of the nuclear power source question commenced at the 1979 sessions of the two sub-committees of the UN Outer Space Committee. A special working group was established to study the technical aspects of the use of nuclear power sources and report to the Scientific and Technical Sub-committee. At its 1979 session, the parent committee agreed that the legal aspects of the question were to be considered by the Legal Sub-committee. It is hoped that ultimately the Committee will be able to reach agreement on a set of guidelines or principles for the use of nuclear power sources in space objects.

It is also noteworthy that the Committee completed the negotiation and drafting of the *Agreement Governing the Activities of States on the Moon and other Celestial Bodies* (Moon Treaty). The Agreement was adopted by the United Nations General Assembly at its thirty-fourth session and opened for signature on December 18, 1979. Canada supported the development of this Agreement and is now considering becoming a party. A key feature of the Agreement is a provision which states that the natural resources of the moon and other celestial bodies within the solar system are the "common heritage of mankind". An international regime reflecting that principle is to be established when the exploitation of those resources becomes feasible. It is of interest to note that the "common heritage" principle is figuring prominently in the current Law of the Sea debates with respect to exploitation of seabed resources.

The two other important questions under discussion at the UN are direct broadcast satellites (DBS) and remote sensing. For several years, the Outer Space Committee and its sub-committees have been considering the development of principles in these two areas. However, lack of agreement on certain fundamental points (e.g. consent of a state to be the subject of remote sensing or direct broadcasting by satellite; dissemination of remote sensing data) has, as in previous sessions, prevented the Committee from making progress in this area in 1979.

## COSMOS 954: consequences of the incident

The crash of a spacecraft on Canadian territory on January 24, 1978 raised two main legal issues: first, the claim for the damage suffered by Canada and, secondly, the establishment of a new set of rules governing the use of nuclear power sources in space so as to ensure better protection of the human environment.